

**IN THE CLAIMS:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. *(Currently Amended)*: An information recording apparatus comprising:
  - a detection unit configured to detect a manufacturing error unique to an information storage medium;
  - a transmission unit configured to transmit the manufacturing error detected by the detection unit to an external apparatus;
  - a reception unit configured to receive data indicating a recording capacity of the information storage medium which is calculated by the external apparatus on the basis of the manufacturing error transmitted from the transmission unit; and
  - a recording control unit configured to determine whether first recording target data is recordable based on the data received by the reception unit, to request the first recording target data of the external apparatus based on a result of the determination, to record, on the information storage medium, first recording data generated from the first recording target data, to compare an amount of the first recording data with the recording capacity, to request second recording target data of the external apparatus when lack of recording capacity is not estimated from a result of the comparison, to record, on the information storage medium, second recording data generated from the second recording target data, and to limit a request for the second recording target data when the lack of recording capacity is estimated from the result of the comparison [1.].

wherein the detection unit controls a light beam to trace a plurality of regions with different radial distances on the information storage medium, samples focusing error signals from the plurality of regions, generates a plurality of focusing control signals based on the plurality of focusing error signals, detects a plurality of DC bias components based on the focusing control signals, and detects a disc tilt amount of an optical axis with respect to each of the plurality of regions based on the difference between the two DC bias components.

the transmission unit transmits the disc tilt amount detected by the detection unit to the external apparatus, and

the reception unit receives the recordable capacity which is calculated by the external apparatus on the basis of the disc tilt amount.

2. *(Cancelled).*

3. *(Previously Presented)* An apparatus according to claim 1, wherein the detection unit detects a read rate of prepits recorded on the information storage medium,

the transmission unit transmits the read rate of the prepits detected by the detection unit to the external apparatus, and

the reception unit receives the data indicating the recording capacity of the information storage medium which is calculated by the external apparatus on the basis of the read rate of the prepits.

4. *(Previously Presented)* An apparatus according to claim 1, wherein the detection unit detects a disc eccentricity amount unique to the information storage medium,

the transmission unit transmits the disc eccentricity amount detected by the detection unit to the external apparatus, and

the reception unit receives the data indicating the recording capacity of the information storage medium which is calculated by the external apparatus on the basis of the disc eccentricity amount.

5. *(Previously Presented)* An apparatus according to claim 1, wherein the detection unit detects a read rate of wobble signals obtained in correspondence with wobbled tracks formed on the information storage medium,

the transmission unit transmits the read rate of the wobble signals detected by the detection unit to the external apparatus, and

the reception unit receives the data indicating the recording capacity of the information storage medium which is calculated by the external apparatus on the basis of the read rate of the wobble signals.

6. *(Cancelled).*

7. *(Currently Amended)* An information recording apparatus comprising:

a detection unit configured to detect a manufacturing error unique to an information storage medium;

a determination unit configured to determine a recording capacity of the information storage medium on the basis of the manufacturing error detected by the detection unit; and

a recording control unit configured to determine whether first recording target data is recordable based on the determined recording capacity, to request the first recording target data of an external apparatus based on a result of the determination, to record, on the information storage medium, first recording data generated from the first recording target data, to compare an amount of the first recording data with the recording capacity, to request second recording target data of the external apparatus when lack of recording capacity is not estimated from a result of the comparison, to record, on the information storage medium, second recording data generated from the second recording target data, and to limit a request for the second recording target data when the lack of recording capacity is estimated from the result of the comparison,

wherein the detection unit controls a light beam to trace a plurality of regions with different radial distances on the information storage medium, samples focusing error signals from the plurality of regions, generates a plurality of focusing control signals based on the plurality of focusing error signals, detects a plurality of DC bias components based on the focusing control signals, and detects a disc tilt amount of an optical axis with respect to each of the plurality of regions based on the difference between the two DC bias components, and

the determination unit determines the recording capacity of the information storage medium on the basis of the disc tilt amount.

8. *(Cancelled).*

9. *(Original)* An apparatus according to claim 7, wherein the detection unit detects a read rate of prepits recorded on the information storage medium, and

the determination unit determines the recordable capacity of the information storage medium on the basis of the read state of the prepits.

10. *(Original)*: An apparatus according to claim 7, wherein the detection unit detects a disc eccentricity amount unique to the information storage medium, and  
the determination unit determines the recordable capacity of the information storage medium on the basis of the disc eccentricity amount.

11. *(Original)*: An apparatus according to claim 7, wherein the detection unit detects a read rate of wobble signals obtained in correspondence with wobbled tracks formed on the information storage medium, and  
the determination unit determines the recordable capacity of the information storage medium on the basis of the read rate of the wobble signals.

12. *(Cancelled)*.

13. *(Previously Presented)*: An apparatus according to claim 1, wherein:  
the recording control unit generates the first recording data by adding a first error correction code to the first recording target data and modulating the first recording target data with the first error correction code, and measures an amount of the first recording data; and  
the recording control unit generates the second recording data by adding a second error correction code to the second recording target data and modulating the second recording target data with the second error correction code, and measures an amount of the second recording data.

14. *(Previously Presented)* An apparatus according to claim 7, wherein:  
the recording control unit generates the first recording data by adding a first error correction code to the first recording target data and modulating the first recording target data with the first error correction code, and measures an amount of the first recording data; and  
the recording control unit generates the second recording data by adding a second error correction code to the second recording target data and modulating the second recording target data with the second error correction code, and measures an amount of the second recording data.